

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

EARL RAY MAXWELL, ADC #86502

PETITIONER

v.

NO. 5:13CV00362 JLH

RAY HOBBS, Director of the
Arkansas Department of Correction

RESPONDENT

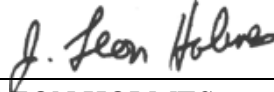
ORDER

The Court has received proposed Findings and Recommendations from Magistrate Judge H. David Young. After careful review of those Findings and Recommendations, the timely objections received thereto, and a *de novo* review of the record, the Court concludes that the Findings and Recommendations should be, and hereby are, approved and adopted in their entirety as this court's findings in all respects. Earl Ray Maxwell argues that his failure to file his habeas corpus petition in this Court within the one-year period of limitations should be excused because he is a pro se petitioner who was ignorant of the law. While equitable tolling may apply to the one-year period of limitations, it is well settled that "pro se status, lack of legal knowledge, legal resources, confusion about or miscalculations of the limitations period, or the failure to recognize the legal ramifications of actions taken in prior post-conviction proceedings are inadequate to warrant equitable tolling." *Shoemate v. Norris*, 390 F.3d 595, 598 (8th Cir. 2004). Maxwell's objections are therefore overruled. Judgment will be entered accordingly.

Pursuant to 28 U.S.C. § 2253 and Rule 11 of the Rules Governing Section 2254 Cases in the United States District Court, the Court must determine whether to issue a certificate of appealability in the final order. In § 2254 cases, a certificate of appealability may issue only if the applicant has made a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(1)-(2). The

Court finds no issue on which petitioner has made a substantial showing of a denial of a constitutional right. Thus, the certificate of appealability is denied.

IT IS SO ORDERED this 2nd day of May, 2014.

A handwritten signature in black ink, reading "J. Leon Holmes", is positioned above a horizontal line.

J. LEON HOLMES
UNITED STATES DISTRICT JUDGE